# RECENT CASES.

BANKRUPTCY—CHATTEL MORTGAGE—PERMITTING MORTGAGOR TO SELL.—IN RE HULL, 8 AM. B. R. 302.—The claimant sold a stock of goods to the bankrupt and, within the four months prior to petition, took a mortgage back of those and other goods, leaving power to sell and replace goods included in the mortgage. *Held,* that the District court must be governed by the ruling of the Federal court, which held that mortgages with such power of sale were fraudulent, rather than by the decision of the State court, holding them valid.

This opinion seems wrong, both as to the law which should govern the Bankruptcy court in its decision and as to the rule of the Federal courts regarding liens of this nature. Against the unsupported contention that the rule of the Federal court should govern, see *Etherbridge v. Sperry,* 139 U. S. 266; *In re Fall City Shirt Mfg. Co.,* 3 Colliers' Am. B. R. 437. The latter case held that "the plain intention of Congress was to recognize liens precisely as the State law had fixed them." The case of *Robinson v. Elliot,* 22 Wall. 513, relied upon as authority in the present case to show the position taken by the Federal courts that such liens are fraudulent, does not, as explained by the later case of *Etherbridge v. Sperry, supra,* establish any such rule, but rather that the validity of such mortgages will be determined according to the circumstances of each case, taken in connection with the law of the State in which the court sits. *Means v. Dowd,* 128 U. S. 273; *Parker v. Moore,* 115 Fed. 799; *Peoples' Savings Bank v. Bates,* 120 U. S. 556. In the latter case such a mortgage as the one in question was held valid under the Michigan law.

BANKRUPTCY—DISMISSAL OF INFANT'S PETITION TO BE ADJUDGED BANKRUPT.—IN RE PENZANSKY, 8 AM. B. R. 99 (MASS.).—*Held,* that an infant may be the subject of a petition in bankruptcy if the debts from which discharge is sought cannot be disaffirmed on coming of age, and that such petition should not be dismissed.

In this country it has been held that an infant cannot be adjudged a bankrupt in either voluntary or involuntary proceedings. *In re Eidenmiller,* 110 Fed. 594; *In re Dugend,* 100 Fed. 274. In these cases, however, the debts from which release was sought could be disaffirmed and it was intimated that a petition of bankruptcy would be granted if the liability had been for necessaries. See also *In re Brice,* 2 Am. B. R. 197, where the court reaches a conclusion in accord with that of the principal case. In England it has been an open question whether debt for necessaries would support a petition in bankruptcy or not. *In re Soltykoff,* 1 Q. B. 415.

BANKRUPTCY—JURISDICTION OF BANKRUPTCY COURT—ADVERSE CLAIMS TO PROPERTY.—IN RE TUNE, 115 FED. 906.—Parties who held notes waiving exemptions, levied on Tune's property. Several days later he was adjudi-